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Serial No. 09/990,025

Attorney Docket No. 10008081-1

Title: MULTIPLE DEVICE CONFIGURATION AND UPGRADE FOR IMAGING DEVICES

REMARKS**Examiner's Summary of the Claimed Invention**

The Examiner summarized the claimed invention under on page 2 of the Non-Final Office Action mailed on July 23, 2007, stating that "The claimed invention relates to an imaging device, computer-usable medium, and methods for upgrading the configuration of a device based on another device's configuration. The system retrieves configuration settings of a model device and uses these configuration settings to automatically configure other devices. In which, in the same field of invention, the applied reference teaches the same." *See*, Office Action mailed on July 23, 2007, Page 2, Item 3.

Applicant disagrees with this summary and respectfully maintains that the claimed invention is described only by the limitations of independent claims 1, 6, 8 and 15, and their dependent claims. Specifically, Applicant notes that claims 1, 6, 8 and 15 do not retrieve "configuration settings of a model device and uses these configuration settings to automatically configure other devices," but command the imaging devices to upgrade and/or configure themselves by "pulling" the configuration data from a selected pre-configured imaging device. This is accomplished, either directly from the source imaging device, or indirectly, from a network site that stores the configuration of the source imaging device.

Applicant also respectfully notes that Paragraph [0017] of the Present Application states, "[0017] As described above, embodiments of the present invention allow for upgrade and configuration of one or more imaging devices on a network from a single pre-configured imaging device. Several possible base embodiments of the present invention exist, primarily differing in the network site that the target imaging devices pull the upgrade configuration information from. In one embodiment of the present invention, a management facility commands the target imaging device(s) to contact the pre-configured source imaging device and upgrade themselves from its configuration. In another embodiment of the present invention, the management facility queries the pre-configured source imaging device, collecting its configuration data and storing it locally to the management facility itself. The management facility then commands the target imaging device(s) to contact the network address or network location of the management facility and upgrade themselves from the configuration data there. In yet another embodiment of the present invention, the management facility queries the pre-

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configured source imaging device, collecting its configuration and storing on a specified local network site. The management facility then contacts the target imaging device(s) and commands them to contact the address of the network site and upgrade themselves from the collected configuration data there. In further embodiment of the present invention, the management facility queries the pre-configured source imaging device, noting its configuration. The management facility then contacts the target imaging device(s) and commands them to contact a remote network site or website where the configuration exists and upgrade themselves to match the configuration of the source imaging device. This embodiment is particularly useful when upgrading device firmware or software. An example of such a remote network site is the universal resource locator (URL) for a website."

Claim Rejections Under 35 U.S.C. § 102

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by McIntyre (U.S. Publication No. 2003/0063305). Applicant respectfully traverses this rejection. Applicant reserves the right to swear behind the reference McIntyre et al., but submits that claims 1-20 are allowable for the following reasons.

The Examiner stated that, "Regarding claim 1, McIntyre disclosed an imaging device comprising: a network interface adapted for coupling to a network (see [0012], [0022]); and a processing facility, wherein the processing facility is adapted to request a device configuration to upgrade an internal configuration of the device from a second device through the network interface in response to receiving an external upgrade command through the network interface from an external management facility and a network location of the second device (see [0033]-[0035], [0031], [0029] *A specific printer 221 may store its control settings in storage media 240 that is accessible to multiple printers. Printer control program 250 on printer 220, i.e., processing facility of device, is able to upgrade its control settings by requesting the control settings of specific printer 221, i.e., a second device, that is stored in storage media 240. Printer 220 only upgrades its settings after receiving an upgrade command from a user or specific printer 221 or printer control program 150, i.e., external management facility. Within the upgrade command is included the storage location of the control settings in the network*

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accessible storage media 240.)” {Emphasis in Original} See, Office Action mailed on July 23, 2007, Page 3, Item 6.

Applicant respectfully disagrees with the Examiner’s assessment of McIntyre. Applicant respectfully maintains that McIntyre discloses two separate embodiments. In the first, shown in Figure 1, a system has networked printers 120 operating under the control of an external printer control program 150 resident on a computer, where any locally customized printer configurations can be saved by the external management program and then downloaded and restored on the printers 120 after a firmware upgrade, either manually or automatically. See, McIntyre, Paragraphs [0027]-[0029]. Applicant also specifically notes that, as stated in Paragraph [0029] of McIntyre, in this first embodiment, the configurations are only restored to their original printers 120. In addition, Paragraph [0029] of McIntyre only discloses that these configurations are restored by being downloaded with the update command from the printer control program, not by referencing a network location of another printer 120, or network location of another printer’s stored configuration, and commanding the designated printer 120 to update itself from the location by accessing and pulling the configuration data from the source.

In the second embodiment of McIntyre, shown in Figure 2, the printer control program 250 is only disclosed as being resident on the printers 220, 221 and only saves the local configuration of the printer it is resident on to a storage media 240. The local printer control program is then used to restore the configuration settings after firmware upgrade. This storage media 240 can also be networked and be commonly accessible by other printers 220 on the network. However, in this embodiment, McIntyre only discloses in Paragraph [0034] that, once the configuration of a specific printer is saved to the commonly accessible storage media 240, the user must then access the internal control program 250 resident on each of the other printers 220 to download the saved configuration to that printer 220. See, McIntyre, Paragraphs [0032]-[0035].

Applicant therefore respectfully submits that McIntyre fails to teach or disclose an imaging device that requests a device configuration to upgrade an internal configuration of the imaging device from a second imaging device across a network upon receiving an external upgrade command given by an external management facility. Applicant also respectfully submits that McIntyre fails to teach or disclose a method of upgrading an imaging device, comprising receiving across a network an external upgrade command from an external

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management facility and a network location associated with a desired device configuration for the imaging device, and retrieving the desired device configuration from the network location. As such, Applicant respectfully maintains that McIntyre fails to teach or disclose all elements of claims 1-20.

Applicant also notes that, at the time the invention was made, McIntyre and the present application were owned by, or subject to an obligation of assignment to, the same organization. Applicant also notes that the present application (U.S. Patent Application Serial No. 09/990,025) was filed on November 21, 2001. Because McIntyre qualifies as prior art only under 35 U.S.C. § 102(e) having either issued or published less than one year before the priority date of the Present Application and since McIntyre and the present Application were all commonly owned at the time of invention, the Applicant respectfully maintains that the McIntyre patent application cannot be used in support of a rejection under 35 U.S.C. § 103. See, 35 U.S.C. § 103(c).

Applicant's claim 1, recites, in part, "wherein the processing facility is adapted to request a device configuration to upgrade an internal configuration of the imaging device from a second imaging device through the network interface in response to receiving an external upgrade command through the network interface from an external management facility and a network location of the second imaging device." As detailed above, Applicant submits that McIntyre fails to teach or disclose such an imaging device that requests a device configuration from a second imaging device across a network in response to receiving an external upgrade command given by an external management facility. As such, McIntyre fails to teach or disclose all elements of independent claim 1.

Applicant's claim 6, recites, in part, "communicating with a first imaging device having a device configuration with an external management facility" and "directing the second imaging devices with the external management facility of the first imaging device to update their device configuration using the device configuration of the first imaging device in a manner selected from the group consisting of: retrieving the device configuration from the first imaging device, storing the device configuration of the first imaging device in a storage location, and directing each of the second imaging devices to retrieve the device configuration of the first imaging device from the storage location; and directing each of the second imaging devices to retrieve the device configuration from the first imaging device." As detailed above, Applicant submits that McIntyre fails to teach or disclose such a computer-usable medium having computer-readable

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instructions stored thereon for execution by a processor to perform a method that requests a device configuration from a first imaging device by a second imaging device when directed by an external management facility across a network. As such, McIntyre fails to teach or disclose all elements of independent claim 6.

Applicant's claim 8, recites, "defining a list of similar imaging devices connected to the network, wherein the similar imaging devices share a common configuration, firmware, software, or supplemental information; defining a network location associated with desired device configuration for the list of similar imaging devices; and directing each imaging device of the list of similar imaging devices with an external management facility to retrieve the device configuration from the network location, by communicating with each imaging device of the list of similar imaging devices across the network with the external management facility." As detailed above, Applicant submits that McIntyre fails to teach or disclose such a method of updating device configuration for imaging devices connected to a network that requests a device configuration an external management facility from a network location across a network. As such, McIntyre fails to teach or disclose all elements of independent claim 8.

Applicant's claim 15, recites, "receiving across a network an external upgrade command from an external management facility and a network location associated with a desired device configuration for the imaging device; and retrieving the desired device configuration from the network location." As detailed above, Applicant submits that McIntyre fails to teach or disclose such a method of upgrading an imaging device that requests a device configuration from a network location upon receiving an external upgrade command from an external management facility and a network location associated with a desired device configuration for the imaging device. As such, McIntyre fails to teach or disclose all elements of independent claim 15.

Applicant respectfully contends that claims 1, 6, 8 and 15 as pending have been shown to be patentably distinct from the cited reference. As claims 2-5, 7, 9-14, and 16-20 depend from and further define claims 1, 6, 8 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of claims 1-20.

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CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

Date:

10/23/07


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